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CLERK U.S. DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>AD</u>	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	2:15-CR-057-RFB
)	
Plaintiff,)	
)	
v.)	Preliminary Order of Forfeiture
)	
CARLOS INCLAN, JR.,)	
)	
Defendant.)	

This Court finds that defendant Carlos Inclan, Jr., pled guilty to Count Two of a Three-Count Criminal Indictment charging him with Possession of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 168; Plea Agreement, ECF No. 167.

This Court finds defendant Carlos Inclan, Jr., agreed to the forfeiture of the property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 77; Change of Plea, ECF No. 168; Plea Agreement, ECF No. 167.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment and the offense to which defendant Carlos Inclan, Jr., pled guilty.

The following property is (1) any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which

1 contains any such visual depiction, which was produced, transported, mailed, shipped or received
2 in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (2) any property, real or
3 personal, used or intended to be used to commit or to promote the commission of Title 18,
4 United States Code, Section 2252A(a)(5)(B) or any property traceable to such property, and is
5 subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3):

- 6 1. A Dell desktop computer, serial no. 6L6CX01;
- 7 2. A Dell XPS laptop computer, serial no. 94CPQ41;
- 8 3. A Seagate 160 GB hard drive, serial no. 5PT11E55;
- 9 4. A Hitachi 61.4 GB hard drive, serial no. G2RTPUEH;
- 10 5. 13 CDs/DVDs containing evidence of child pornography;
- 11 6. A Hitachi 60 GB hard drive, serial no. 9C515AE20872; and
- 12 7. An ASUS desktop computer, no serial number, in a silver/gray Lian Li brand PC
13 case

14 (all of which constitutes property).

15 This Court finds that the United States of America may amend this order at any time to
16 add subsequently located property or substitute property to the forfeiture order pursuant to Fed.
17 R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

18 This Court finds the United States of America is now entitled to, and should, reduce the
19 aforementioned property to the possession of the United States of America.

20 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
21 the United States of America should seize the aforementioned property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,
23 ownership rights, and all rights, titles, and interests of Carlos Inclan, Jr., in the aforementioned
24 property are forfeited and are vested in the United States of America and shall be safely held by
25 the United States of America until further order of the Court.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
2 America shall publish for at least thirty (30) consecutive days on the official internet government
3 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
4 property, state the time under the applicable statute when a petition contesting the forfeiture must
5 be filed, and state the name and contact information for the government attorney to be served
6 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
7 Section 853(n)(2).

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
9 entity who claims an interest in the aforementioned property must file a petition for a hearing to
10 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
11 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
12 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
13 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
14 facts supporting the petitioner's petition and the relief sought.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
16 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
17 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
18 sixty (60) days after the first day of the publication on the official internet government forfeiture
19 site, www.forfeiture.gov.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
21 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
22 the following address at the time of filing:

23 Michael A. Humphreys
24 Assistant United States Attorney
25 Daniel D. Hollingsworth
26 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
2 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
3 agency following publication of notice of seizure and intent to administratively forfeit the above-
4 described property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
6 of this Order to all counsel of record.

7 DATED this 20 day of September, 2018.

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UNITED STATES DISTRICT JUDGE